

BEFORE THE

**Illinois Commerce Commission**

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DOCKET NO. 00-0027

IN THE MATTER OF:

FOCAL COMMUNICATIONS CORPORATION OF ILLINOIS

ILLINOIS  
COMMERCE COMMISSION  
APR 11 3 53 PM '00  
CHIEF CLERK'S OFFICE

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PLACE: Springfield, Illinois

DATE: March 31, 2000

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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

FOCAL COMMUNICATIONS CORPORATION ) DOCKET NO.  
OF ILLINOIS ) 00-0027  
)  
Petition for arbitration pursuant to )  
Section 252(b) of the Telecommunications )  
Act of 1996 to establish an )  
Interconnection Agreement with Illinois )  
Bell Telephone Company d/b/a Ameritech )  
Illinois. )

Springfield, Illinois  
March 31, 2000

Met, pursuant to notice, at 2:00 P.M.

BEFORE:

MR. WILLIAM SHOWTIS, Examiner  
MR. DONALD WOODS, Examiner

APPEARANCES:

MS. CARRIE J. HIGHTMAN  
Schiff, Hardin & Waite  
6600 Sears Tower  
Chicago, Illinois 60606

(Appearing on behalf of Petitioner via  
teleconference.)

SULLIVAN REPORTING COMPANY, by  
Carla J. Boehl, Reporter  
LN. #084-002710

## APPEARANCES:

(Cont'd)

MR. DENNIS G. FRIEDMAN  
Mayer, Brown & Platt  
190 South LaSalle Street  
Chicago, Illinois 60603

(Appearing on behalf of Ameritech  
Illinois via teleconference.)

MR. MATTHEW L. HARVEY  
160 North LaSalle Street, Suite C-800  
Chicago, Illinois 60601

(Appearing on behalf of Staff of the  
Illinois Commerce Commission via  
teleconference.)

I N D E XWITNESSESDIRECT CROSS REDIRECT RECROSS

NONE.

I N D E XEXHIBITSMARKEDADMITTED

NONE.

PROCEEDINGS

EXAMINER WOODS: Call for hearing Docket 00-0027, Focal Communications Corporation of Illinois. This is a petition for arbitration pursuant to Section 252(b) of the Telecommunications Act of 1996. This cause comes on for hearing March 31, 2000, before Donald L. Woods and William Showtis under the authority of the Illinois Commerce Commission. This case was set today for a status hearing to discuss Issue Three in the parties' briefs. The parties are on the phone through a telephone hook-up.

At this time I take the appearances of Focal, please.

MS. HIGHTMAN: Carrie J. Hightman, Schiff, Hardin & Waite, 6600 Sears Tower, Chicago, Illinois 60606.

EXAMINER WOODS: On behalf of Ameritech.

MR. FRIEDMAN: Dennis G. Friedman, Mayer, Brown and Platt, 190 South LaSalle Street, Chicago 60603, on behalf of Ameritech Illinois.

EXAMINER WOODS: On behalf of Staff.

1 MR. HARVEY: Matthew L. Harvey, 160 North  
2 LaSalle Street, Suite C-800, Chicago, Illinois 60601.

3 EXAMINER WOODS: Any additional appearances?  
4 Let the record reflect no response.

5 The record would also reflect  
6 discussions had among the parties before beginning  
7 today. Examiner Showtis and I are in receipt of an  
8 electronic message from Dennis Friedman on behalf of  
9 Mayer Brown. We have had extensive discussions about  
10 the material contained in this e-mail. It addresses  
11 various aspects of Issue Three which involves the  
12 unbundling of certain network elements and  
13 requirements for collocations in association with the  
14 unbundling.

15 In our review of the briefs of Focal and  
16 Ameritech, it became apparent to us that there was  
17 kind of a disjunctive approach to this issue. The  
18 parties were asked to come to this hearing today to  
19 address that disjuncture. They have done so. We  
20 have agreed to mark this e-mail as Hearing Examiners  
21 Exhibit 1. It will be introduced into the record.

22 It indicates that the parties have

1       agreed with respect to one portion of Issue Three,  
2       that being a previous requirement that Focal  
3       collocate in the Ameritech end office. Our  
4       understanding is that has now been resolved. The  
5       parties have also agreed that, if the Examiners seek  
6       it and the Commission is willing to enter an order  
7       that does so, they will simply be instructed to  
8       prepare a final agreement for approval that reflects  
9       their agreement on this issue.

10               In addition, there was another issue in  
11       Issue Three which involves the treatment of ISP-bound  
12       traffic and the manner in which it attacks Focal's  
13       necessity of self-serve buying that provides  
14       significant amounts of exchange access type of local  
15       exchange service. I understand that Focal wishes to  
16       make a -- the positions of the parties are set forth  
17       in this e-mail. I understand Ms. Hightman would like  
18       to take one opportunity to present Focal's position  
19       in this docket on this matter at this time.

20               MS. HIGHTMAN: Yes. It is Focal's position  
21       that the service Focal provides to ISP customers with  
22       respect to internet traffic is for purposes of Issue

1 Three, and in particular for purposes of  
2 self-certification under Issue Three, local exchange  
3 service and not exchange access service.

4 EXAMINER WOODS: Mr. Friedman, did you wish  
5 to respond?

6 MR. FRIEDMAN: No, thank you.

7 EXAMINER WOODS: Any additional proceedings  
8 at this time? Ms. Hightman?

9 MS. HIGHTMAN: No.

10 EXAMINER WOODS: Mr. Friedman?

11 MR. FRIEDMAN: No.

12 EXAMINER WOODS: Mr. Harvey?

13 MR. HARVEY: None. Okay. We will put this  
14 docket back on general continuance. Thank you very  
15 much.

16 (Whereupon the hearing in this  
17 matter was continued  
18 generally.)

19  
20  
21  
22



1 STATE OF ILLINOIS )  
2 ) SS  
3 COUNTY OF SANGAMON )  
CASE NO.: 00-0027  
4 TITLE: FOCAL COMMUNICATIONS CORPORATION OF ILLINOIS

5 CERTIFICATE OF REPORTER

6 I, Carla J. Boehl, do hereby certify that I  
7 am a court reporter contracted by Sullivan Reporting  
8 Company of Chicago, Illinois; that I reported in  
9 shorthand the evidence taken and proceedings had on  
10 the hearing on the above-entitled case on the 31st  
11 day of March, 2000; that the foregoing 7 pages are a  
12 true and correct transcript of my shorthand notes so  
13 taken as aforesaid and contain all of the proceedings  
14 directed by the Commission or other persons  
15 authorized by it to conduct the said hearing to be so  
16 stenographically reported.

17 Dated at Springfield, Illinois, on this 11th  
18 day of April, A.D., 2000.

19   
20 \_\_\_\_\_  
21 Certified Shorthand Reporter  
22